

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DANELLE RENEE SCOGGIN,

Plaintiff,

v.

TURNING POINT CENTRAL
CALIFORNIA,

Defendant.

Case No. 1:20-cv-00140-DAD-SAB

ORDER EXTENDING TIME FOR
PLAINTIFF TO FILE AMENDED
COMPLAINT TO JULY 28, 2020

(ECF No. 14)

On January 28, 2020, Danelle Renee Scoggin (“Plaintiff”), appearing *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983. On March 27, 2020, Plaintiff’s complaint was screened and it was found not to state a cognizable claim. (ECF No. 10.) Plaintiff was ordered to file a first amended complaint within thirty days. (*Id.*) The order was mailed to Plaintiff and was returned undeliverable on April 8, 2020. Plaintiff’s address was updated pursuant to the address that Plaintiff had included on her objections to a prior findings and recommendations and the order was re-served by mail. The re-served order was returned as undeliverable on April 27, 2020. On May 7, 2020, Plaintiff filed a notice of change of address and the order was re-served on this date. On June 11, 2020, a document entitled first amended complaint was filed. (ECF No. 12.) However, the document was not a complaint and was not signed by Plaintiff. On June 12, 2020, the Court issued an order disregarding the filing, directing the Office of the Clerk to re-serve the March 27, 2020 screening order, and ordering Plaintiff to file an amended complaint within thirty (30) days. (ECF No. 13.)

On June 30, 2020, Plaintiff filed a one-page handwritten document with the heading “Amended Complaint,” however, the filing is substantively only a notice of another change of address. (ECF No. 14.) The filing indicates Plaintiff was required to change addresses due to an electrical fire. (Id. at 1.) Plaintiff attaches pages of the re-served March 26, 2020 screening order, and the June 12, 2020 order, and thus it appears Plaintiff is clearly in receipt of such documents. (ECF No. 14 at 2-17.) On the attached copy of the June 12, 2020 order, where the Court ordered Plaintiff to file the amended complaint within thirty days, Plaintiff has handwritten in: “rec[ei]ved 6/28/2020.” (ECF No. 14 at 4.) Given Plaintiff has not provided an amended complaint, the Court shall construe the filing as a request for additional time based on the date of receipt of the order, and shall extend the time for Plaintiff to file the amended complaint to thirty (30) days from her proffered date of receipt, June 28, 2020. Given Plaintiff has been repeatedly notified of her duty to file an amended complaint, if Plaintiff fails to file an amended complaint by such deadline, the Court shall recommend this action be dismissed, even if this order notifying her of an additional extension is returned undeliverable.

Based on the foregoing, IT IS HEREBY ORDERED that:

1. Plaintiff SHALL FILE a first amended complaint on or before **July 28, 2020**; and
2. Failure to file an amended complaint by such deadline will result in the recommendation that this action be dismissed for failure to state a claim.

IT IS SO ORDERED.

Dated: **July 2, 2020**


UNITED STATES MAGISTRATE JUDGE